

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

EDDIE TATE,
Plaintiff,
v.
TRE SMITH AND SHAUN HILTON,
UNKNOWN POLICE OFFICERS AND THE
CITY OF SEATTLE,
Defendants.

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) COMPLAINT FOR DAMAGES
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I. NATURE OF ACTION

1.1 Introduction. This is a civil rights action brought by Plaintiff pursuant to 42 U.S.C. Sec. 1983 and the Fourth and Fourteenth Amendments against the Defendants and their marital community. This case arises from claims of assault, excessive force, false arrest, unlawful seizure, tort of outrage, negligence and violation of RCW 49.60.

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II. PARTIES

2.1 Plaintiff Eddie Tate is a resident of King County, Washington.

2.2 Defendants Tre Smith . At all times relevant Tre Smith was employed as law enforcement by the Seattle Police Department and was acting within the course and scope of his employment with the City of Seattle and under color of law. All of Tre Smith acts alleged herein was taken for the benefit for the City of Seattle and his marital community.

2.3 Defendant Shaun Hilton

At all times relevant Shaun Hilton was employed as law enforcement by the Seattle Police Department and was acting within the course and scope of their employment with the City of Seattle and under color of law. All of Shaun Hiltons acts alleged herein were taken for the benefit of the City of Seattle and his marital community.

2.4 Defendant City of Seattle. Defendant City of Seattle (City) is responsible for the actions and activities of employees of the Seattle Police Department when SPD employees are acting within the course and scope of their employment.

2.5 Unknown Seattle Police Officers. At all times relevant, the unknown police officers were employed as law enforcement by the Seattle Police Department and were acting within the course and scope of their employment with the City of Seattle and under color of law.

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III. JURISDICTION AND VENUE

3.1 Jurisdiction. Jurisdiction in this Court is based on the existence of a federal question pursuant to 28 U.S.C. Section § 1331 and 1343, in that Plaintiff assert claims for deprivation of civil rights under 42 U.S.C. § 1983 for violation of the Fourth Amendments to the United States Constitution.

3.2 Venue. Venue for this action is appropriate in this Court because the events giving rise to the claims asserted herein occurred in the Seattle Division of this district and because the plaintiff and defendants reside in this district.

IV. FACTS

4.1 At 5:00am on 1/31/16 Monty Richardson made a 911 call reporting that he was robbed by 5 African-American males outside of a 7-11 which is located on 627 1st ave, Cherry St, Seattle, WA.

4.2 In the 9-11 call Mr. Richardson described the men as between the ages of 20-30 and that one of the men had put a black revolver in his face. He described the male who put the revolver in his face as short, having a beard, and an eye-drop

tattoo on his cheek. Monty Richardson then claims that one of the men choked him unconscious outside of the 7-11.

4.3 Monty Richardson said that before he was robbed he withdrew \$200 dollars from an ATM at roughly 4:40am. It was at this point that Mr. Richardson claimed he was "surrounded by black people" while inside the 7-11 and pushed outside where he was robbed. He claimed that the 7-11 clerk witnessed the entire incident and did nothing.

4.4 There is no indication that the officers attempted to contact the 7-11 clerk to get a description of the alleged suspects.

4.5 There is no indication that the officers attempted to contact the 7-11 clerk to verify the veracity of Mr. Richardson's claims.

4.6 Approximately four hours after Mr. Richardson made his claims via 911, police officers performed a felony stop of Mr. Eddie Tate. Mr. Tate is a nearly 70 year old African American Male.

4.7 Officers claim that Mr. Tate, at nearly 70 years old, matched the description of a 20-30 year old African American male.

4.8 At the time that Eddie Tate was stopped at gun point by policer officers, he was in route to Christian Restoration Center for church.

4.9 Mr. Tate's vehicle was stopped at 2nd & Main St. by Seattle Police Officer Shaun Hilton. Thee Officer exited his vehicle and trained his firearm on Mr. Tate.

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1 4.10 The Officer then commanded that Mr. Tate place his hands
2 outside of the car window and to throw his keys into the road.
3 Mr. Tate complied with the officer's commands.

4 4.11 Mr. Tate was then commanded by one or more officers to step out
5 of the vehicle, to place his hands on his head, to walk
6 backwards towards the officers with his back to them.

7 4.12 Mr. Tate was startled, confused, and bewildered at what was
8 occurring. He looked around and saw that several guns were
9 pointed at him. He was in fear for his life and believed that
10 the officers were going to shoot him.

11 4.13 Officer Tre Smith approached Mr. Tate and forcefully took Mr.
12 Tate's hands from the top of Mr. Tate's head and roughly put
13 them behind Mr. Tate's back.

14 4.14 After the officer had Mr. Tate's hands behind his back, the
15 officer twisted Mr. Tate's wrists vigorously. Mr. Tate's wrist
16 was visibly bandaged at the time that the officer grabbed and
17 twisted it. Mr. Tate immediately experienced significant
18 pain.

19 4.14 Officer Smith's aggressive actions caused significant injury to
20 Mr. Tate's wrist.

21 4.15 The actions of the officers exacerbated Mr. Tate's previous
22 injury and had a significant impact on his ability to do the
23 things that he traditionally enjoyed. The actions of the
24 officers also impacted Mr. Tate's ability to go back to work.

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1 Further, Mr. Tate experienced significant long-term pain and
2 swelling.

3 4.16 At just around 8:47am Mr. Richardson was driven to the scene to
4 identify the alleged perpetrator. Mr. Tate was instructed to
5 stand up and face the Police vehicle where Mr. Richardson was
6 located. Within seconds of Mr. Tate standing up and becoming
7 visible to Mr. Richardson, Mr. Richardson made it clear that
8 Mr. Tate was NOT the right person.

9 4.17 Mr. Tate was embarrassed and humiliated by the actions of the
10 Officers during this incident. Further, He experienced
11 significant physical and emotional pain as a result of the
12 officer's actions.

13 4.18 Mr. Tate is decades older than the alleged suspect. The only
14 characteristic that Mr. Tate seemed to share with the alleged
15 suspect is that they both were African American.

16 4.19 The officers ignored very clear indicators that Mr. Tate had a
17 significant wrist injury and proceeded to treat Mr. Tate in
18 such a way that Mr. Tate experienced additional physical harm.

V. CAUSES OF ACTION

5.1 First Cause of Action. The City of Seattle and Seattle Police Department Officer Shaun Hilton and Tre Smith, are liable to the plaintiff for the tort of Assault.

5.2 Second Cause of Action. The Defendants are liable to the plaintiff for the tort of excessive force.

5.3 Third Cause of Action. The Defendants are liable to the plaintiff for false arrest.

5.4 Fourth Cause of Action. The Defendants are liable to the plaintiff for unlawful seizure.

5.5 Fifth Cause of Action. The Defendants are liable to the plaintiff for the tort of outrage.

5.6 Sixth Cause of Action. The Defendants are liable to the plaintiff for Negligence

5.7 Seventh Cause of Action. Per R.C.W 49.60.030 The Defendants are liable to the plaintiff for violation of the plaintiff's civil rights to the right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil rights.

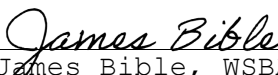
VI. REQUEST FOR JURY DEMAND

The plaintiff Eddie Tate, formally demands his right for his case to be heard by a jury.

WHEREFORE, Plaintiff pray for the following relief:

1. Damages and punitive damages in an amount to be proven at trial. Plaintiff seeks punitive damages against all defendants;
2. For reasonable attorney's fees and costs; and
3. For such other and further relief as the Court deems just and equitable.

Dated this 30th day of January 2018,


James Bible, WSBA # 33985
Attorney for Plaintiff